

August 3, 2009

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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STIPULATED REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0400124**

DALE A. BRAVE
Code Enforcement Appeal

Location: 10212—126th Avenue Southeast

Appellant: **Dale A. Brave**
10212—126th Avenue Southeast
Renton, Washington 98056
Telephone: (425) 255-1781

King County: Department of Development and Environmental Services
represented by **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 205-1528
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Stipulated appeal denial, with revised compliance schedule
Department's Final Recommendation:	Stipulated appeal denial, with revised compliance schedule
Examiner's Decision:	Stipulated appeal denial, with revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing opened:	July 29, 2008
Hearing continued on-call:	July 29, 2008
Hearing reconvened:	July 21, 2009
Hearing closed:	July 21, 2009

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. This matter involves the appeal of a code enforcement Notice and Order. The parties have stipulated to the Notice and Order being sustained on appeal with a revised compliance schedule. This satisfies Appellant Dale Brave's appeal for more time to resolve the matter by permit obtainment.
2. On May 6, 2008, the King County Department of Development and Environmental Services (DDES) issued a code enforcement Notice and Order to Mr. Brave, finding code violations on the subject R-6 zoned property at 10212 126th Avenue SE in the unincorporated Renton area. The Notice and Order cited Mr. Brave and the property with the following violation of county code:
 - A. Construction of a garage without required permits, inspections and approvals.The Notice and Order required correction of such violations by obtainment of permits for the structure or, alternatively, demolition and removal.
3. Appellant Brave filed an appeal of the Notice and Order. The sole claim on appeal is that additional time is desired for resolution. Part of the reason for delay is the anticipated soon installation of City of Renton sanitary sewer service to the property, which will obviate the problematic issue of obtaining onsite sewage disposal approval from the Health Department.
4. The parties stipulated to a revised compliance schedule and entry of a stipulated order whereby the Notice and Order would be sustained and the appeal denied as to substance. The revised compliance schedule is as set forth in the order below.

CONCLUSIONS:

1. By stipulation, the appeal is to be denied and the Notice and Order sustained as correct, with a stipulated revised compliance schedule.

DECISION:

As stipulated, the instant appeal is DENIED, and the Notice and Order sustained, with the exception that the COMPLIANCE SCHEDULE for correction is REVISED as set forth in the order below.

ORDER:

1. The Appellant shall schedule a pre-application meeting for the necessary permits for the accessory structure, with the pre-application meeting to be held *by no later than* **January 15, 2010**. Thereafter, a complete permit application shall be submitted to DDES for said structure *by no later than* **February 16, 2010**. Thereafter, all pertinent timeframes and stated deadlines for supplementary submittals, response comments, etc., if any, shall be diligently observed by the Appellant through to permit issuance and final inspection.
2. If the Appellant decides not to pursue a building permit for the structure, all pertinent non-permitted structural work shall be demolished and the demolition debris removed from the

property *by no later than February 16, 2010*. (A demolition permit may be required; the Appellant shall consult with DDES regarding any such requirement.)

3. In the event that the building permit is pursued and is ultimately denied, the pertinent non-permitted structural work shall be demolished and the demolition debris removed *by no later than 45 days after such denial*.
4. DDES is authorized to grant deadline extensions for any of the above requirements if warranted, in DDES's sole judgment, by circumstances beyond the Appellant's diligent effort and control (such as by delay in the anticipated sanitary sewer service). DDES is also authorized to grant extensions for seasonal reasons (potential for erosion, other environmental damage concerns, etc.).
5. No fines or penalties shall be assessed by DDES against Mr. Brave and/or the property if the above compliance requirements and deadlines are complied with in full (noting the possibility of deadline extension pursuant to the above allowances). However, if the above compliance requirements and deadlines are not complied with in full, DDES may impose penalties as authorized by county code retroactive to the date of this decision.

ORDERED August 3, 2009.

Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding Code Enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JULY 21, 2009, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE E0400124 DALE BRAVE

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba representing the Department, Dale Brave the Appellant and Alan Brave.

The following Exhibits were offered and entered into the record:

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| Exhibit No. 1 | Department of Development and Environmental Services (DDES) staff report to the Hearing Examiner for E0400124 |
| Exhibit No. 2 | Copy of the Notice & Order issued May 6, 2008 |
| Exhibit No. 3 | Copy of the Notice and Statement of Appeal received May 21, 2008 |

Exhibit No. 4	Copies of codes cited in the Notice & Order
Exhibit No. 5A-H	Photographs of the subject property
Exhibit No. 6	Emails between DenoBi Olegba and Dale Brave sent/received on dates ranging from May 16, 2008 to November 21, 2008

PTD:vsm
E0400124 RPT